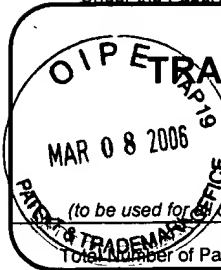


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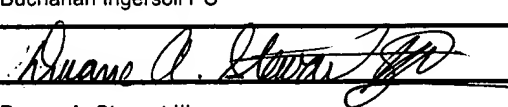
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	Application Number	09/987,763
	Filing Date	November 15, 2001
	First Named Inventor	Corey M. Crafton
	Art Unit	1633
	Examiner Name	Sumesh Kaushal
	Attorney Docket Number	030906
Total Number of Pages in This Submission		53

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibits (5) Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Buchanan Ingersoll PC		
Signature			
Printed name	Duane A. Stewart III		
Date	March 8, 2006	Reg. No.	54,468

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IN RE APPLICATION OF:

Corey M. Crafton et al.

Application Serial No.:

09/987,763

Filing Date:

November 15, 2001

Title:

Nucleotide Sequences for Transcriptional Regulation of
Corynebacterium Glutamicum

Confirmation No.

7167

Examiner:

Sumesh Kaushal

Express Mail mailing label number: EV 662116447 US
Date of Deposit: March 8, 2006

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Attorney Docket No.: 030906

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Crafton, Corey M. et al.	:		:	
		:		:	Examiner: Kaushal, Sumesh
		:		:	
Serial No.:	09/987,763	:		:	Art Unit: 1633
		:		:	
Filing Date:	November 15, 2001	:		:	
		:		:	
Entitled:	NUCLEOTIDE SEQUENCES FOR TRANSCRIPTIONAL REGULATION OF CORYNEBACTERIUM GLUTAMICUM				

SUPPLEMENTAL RESPONSE TO FINAL OFFICE ACTION

This response is submitted to supplement the "Response to Second Final Official Action" filed in this case on February 14, 2006. This response includes the Declaration Pursuant to 37 C.F.R. § 1.132 of Ms. Corey Crafton. Ms. Crafton is an inventor of the subject matter claimed in this invention, and is one skilled in the relevant art.

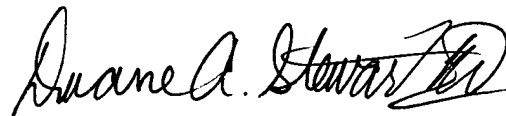
Ms. Crafton's Declaration attests to the utility of the claimed invention, as defined by 35 U.S.C. § 101. Ms. Crafton points out a number of factors that one skilled in the art would consider when deciding if the invention has utility. For example, she notes that the claimed sequence includes a Pribnow Box sequence that has 6 of 7 of the consensus nucleotides. Please note that on page 690 of Devlin, some guanine nucleotides are not clearly seen because they are in a difficult-to-reproduce yellow.

Ms. Crafton confirms the importance of the β -galactosidase assay that has been previously discussed in the applicant's responses. This assay and its associated activity is a clear indicator of utility, and would be recognized immediately as such by one skilled in the art.

Ms. Crafton further attests that the utility of SEQ ID NO:7 and related constructs and sequences is demonstrated by percent identity to a number of reference sequences. These sequences include references to *Corynebacterium*, *E. coli*, and *L. casei*. Finally, Ms. Crafton notes that the length of the claimed nucleotide sequences leads one to believe that they may have promoter utility.

The Declaration of Ms. Crafton, combined with the amendments and arguments made in the February 14, 2006, Response, clearly show that the claimed invention has utility. All claim rejections should be withdrawn, and the claims should be allowed. If the Examiner believes, for any reason, that personal communication will expedite allowance of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

A handwritten signature in black ink, reading "Duane A. Stewart III". The signature is fluid and cursive, with a stylized "D" and "S".

Duane A. Stewart III
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Date: March 8, 2006